

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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BURTON PRETTY ON TOP,	)	
Charging Party	)	Cause No. 0029009948
	)	
vs.	)	<b>ORDER AFFIRMING</b>
	)	<b>NOTICE OF DISMISSAL</b>
	)	
FIRST INTERSTATE BANK,	)	
Respondent.	)	

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The above-captioned matter came before the Montana Human Rights Commission (Commission) on September 19, 2002. The Commission considered Charging Party's objection to the dismissal of the complaint. Oral argument was not requested.

In its Final Investigative Report (FIR) the Human Rights Bureau (HRB) recommended a finding of no reasonable cause to believe that unlawful age and/or race discrimination or illegal retaliation occurred in this case. HRB issued a Notice of Dismissal.

After review and consideration of the entire record, the Commission determines that the record supports the investigator's determination that Charging Party failed to prove by a preponderance of the evidence that he was discriminated against on the basis of race and/or age in an employment context and that he failed to prove by a preponderance of the evidence that he had been retaliated against on the basis of race and/or age. Consequently, the Commission determines that HRB did not abuse its discretion when it issued a notice of dismissal. 24.9.1714(3), ARM.

The parties are advised that charging party has 90 days after the receipt of this order to file a civil action in district court. 49-2-509(5), MCA. If charging party fails to file a civil action within that 90 day period, charging party's claims under the Montana Human Rights Act, as stated in the above-captioned complaint, will be barred. *Id.*

IT IS HEREBY ORDERED, that Charging Party's objection is overruled and notice of dismissal is affirmed.

Dated this \_\_\_\_\_ day of September 2002

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Mr. Gary Hindoien, Chair  
Montana Human Rights Commission

### CERTIFICATE OF SERVICE

The undersign employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on September \_\_\_\_, 2002.

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